

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Adam Whitman,

Plaintiff,

v.

Lifewatch, Inc. a/k/a Lifewatch-USA,

Defendant.

:
:
:
: Civil Action No.: 4:12-cv-03765
:
:
:
:
:
:
:
:
:

**AFFIDAVIT OF JODY B. BURTON IN SUPPORT OF PLAINTIFF'S REQUEST TO
ENTER DEFAULT AGAINST DEFENDANT LIFEWATCH, INC. A/K/A LIFEWATCH-
USA**

I, Jody B. Burton, declare under the pain and penalty of perjury:

1. I am an attorney at law licensed to practice before the Court of the United States District Court, Southern District of Texas. I am the attorney for the Plaintiff, Adam Whitman. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On January 22, 2013 Plaintiff filed the First Amended Complaint in this case against Defendant Lifewatch, Inc. a/k/a Lifewatch-USA. Attached as Exhibit A is a true and correct copy of the proof of service on file with the Court, which reflects that that Defendant was served with the Summons and Complaint on February 1, 2013 by personal service.

3. The Defendant has not been granted an extension to respond to the Complaint by the Court nor has it sought consent to such an extension from the Plaintiff.

4. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiff's counsel of record.

5. Upon information and belief, Defendant is neither an infant nor an incompetent.
6. Upon information and belief, Defendant is not a member of the military.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and accurate.

Executed this 22nd day of April, 2013.

/s/Jody B. Burton
Jody B. Burton, Esq.